

Executive Summary – Enforcement Matter – Case No. 48803
BP Amoco Chemical Company
RN102536307
Docket No. 2014-0803-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

BP Texas City Chemical Plant B, 2800 Farm-to-Market Road 519 East, Texas City,
Galveston County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 26, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,513

Amount Deferred for Expedited Settlement: \$2,902

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,806

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,805

Name of SEP: Anahuac Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 15, 2014 through April 29, 2014

Date(s) of NOE(s): May 15, 2014

Executive Summary – Enforcement Matter – Case No. 48803
BP Amoco Chemical Company
RN102536307
Docket No. 2014-0803-AIR-E

Violation Information

Failed to comply with the certified volatile organic compound ("VOC") emission rate for Tank F-1115. Specifically, for the 12-month periods ending in January 2013, February 2013, March 2013, April 2013, May 2013, June 2013, and July 2013, the Respondent exceeded the certified VOC emission rate of 5.71 tons per year based on a rolling 12-month period, resulting in the unauthorized release of 0.58 ton of VOC [30 TEX. ADMIN. CODE §§ 106.6(b) and 122.143(4), Permit by Rule Registration No. 93791, Federal Operating Permit No. O1513, General Terms and Conditions, Special Terms and Conditions No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By August 31, 2013, the Respondent adjusted tank operations and implemented a program to track VOC emissions for Tank F-1115 to ensure compliance with the certified VOC emission rate.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: David Carney, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2583; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Peter J. Nowobilski, Plant Manager, BP Amoco Chemical Company, P.O. Box 1688, Texas City, Texas 77592

Kathy Daniels, Environmental Superintendent, BP Amoco Chemical Company, P.O. Box 1688, Texas City, Texas 77592

Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-0803-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BP Amoco Chemical Company
Penalty Amount:	Eleven Thousand Six Hundred Eleven Dollars (\$11,611)
SEP Offset Amount:	Five Thousand Eight Hundred Five Dollars (\$5,805)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Anahuac Independent School District
Project Name:	<i>Clean School Bus Project</i>
Location of SEP:	Chambers County; Neches-Trinity Coastal Basin and Trinity River Basin

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Anahuac Independent School District** for the *Clean School Bus Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to purchase a lower-emission school bus that is model year 2010 or newer (“Replacement Bus”) to replace a bus that is model year 1995 (“Older Bus”), thus removing the Older Bus from the roads. The Third-Party Administrator shall ensure that the Replacement Bus has an engine that meets 2010 EPA Standards. The Third-Party Administrator certifies that the Older Bus is currently in use, driven on a regular route on a weekly basis for at least the past two years. The Third-Party Administrator shall own and operate the Replacement Bus for at least five years following the date of purchase. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The SEP will benefit air quality by reducing harmful exhaust emissions from an older school bus. Older school bus engines emit larger amounts of nitrogen oxides and particulate matter, as well as other harmful pollutants such as volatile organic compounds and carbon monoxide than new buses. These pollutants contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children. The Project will reduce these emissions by replacing a model year 1995 school bus with a new, lower-emission bus.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Anahuac Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Anahuac Independent School District
Attention: Rosie Womack, Business Manager
P.O. Box 638
Anahuac, Texas 77514

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES **Assigned** 19-May-2014 **PCW** 16-Jun-2014 **Screening** 5-Jun-2014 **EPA Due** 9-Feb-2015

RESPONDENT/FACILITY INFORMATION

Respondent BP Amoco Chemical Company
Reg. Ent. Ref. No. RN102536307
Facility/Site Region 12-Houston **Major/Minor Source** Major

CASE INFORMATION

Enf./Case ID No. 48803 **No. of Violations** 1
Docket No. 2014-0803-AIR-E **Order Type** 1660
Media Program(s) Air **Government/Non-Profit** No
Multi-Media **Enf. Coordinator** David Carney
EC's Team Enforcement Team 5

Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$11,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 54.0% Enhancement **Subtotals 2, 3, & 7** \$6,075

Notes Enhancement for three NOV's with same/similar violations and two agreed orders with denial of liability. Reduction for one notice of intent to conduct an audit.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** -\$2,812

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$87
 Approx. Cost of Compliance \$3,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$14,513

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$14,513

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$14,513

DEFERRAL 20.0% Reduction **Adjustment** -\$2,902

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$11,611

Screening Date 5-Jun-2014

Docket No. 2014-0803-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 4 (April 2014)

Case ID No. 48803

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102536307

Media [Statute] Air

Enf. Coordinator David Carney

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 54%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for three NOVs with same/similar violations and two agreed orders with denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 54%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 54%

Screening Date 5-Jun-2014

Docket No. 2014-0803-AIR-E

PCW

Respondent BP Amoco Chemical Company

Policy Revision 4 (April 2014)

Case ID No. 48803

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102536307

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 106.6(b) and 122.143(4), Permit by Rule Registration No. 93791, Federal Operating Permit No. 01513, General Terms and Conditions, Special Terms and Conditions No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the certified volatile organic compound ("VOC") emission rate for Tank F-1115. Specifically, for the 12-month periods ending in January 2013, February 2013, March 2013, April 2013, May 2013, June 2013, and July 2013, the Respondent exceeded the certified VOC emission rate of 5.71 tons per year based on a rolling 12-month period, resulting in the unauthorized release of 0.58 ton of VOC.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

212 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended from the January 31, 2013 violation start date to the August 31, 2013 compliance date.

Good Faith Efforts to Comply

25.0% Reduction

\$2,812

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
		x	
N/A			(mark with x)

Notes The Respondent came into compliance on August 31, 2013, prior to the Notice of Enforcement dated May 15, 2014.

Violation Subtotal \$8,438

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$87

Violation Final Penalty Total \$14,513

This violation Final Assessed Penalty (adjusted for limits) \$14,513

Economic Benefit Worksheet

Respondent BP Amoco Chemical Company
Case ID No. 48803
Reg. Ent. Reference No. RN102536307
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	31-Jan-2013	31-Aug-2013	0.58	\$87	n/a	\$87

Notes for DELAYED costs

Estimated delayed cost to adjust tank operations and implement a program to track VOC emissions for Tank F-1115 to ensure compliance with the certified VOC emission rate. The Date Required is the violation start date and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$87



Compliance History Report

PUBLISHED Compliance History Report for CN600126775, RN102536307, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600126775, BP Amoco Chemical Company **Classification:** SATISFACTORY **Rating:** 7.35

Regulated Entity: RN102536307, BP TEXAS CITY CHEMICAL PLANT B **Classification:** SATISFACTORY **Rating:** 4.17

Complexity Points: 30 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 2800 FM RD 519 E TEXAS CITY, TX 77590, GALVESTON COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

POLLUTION PREVENTION PLANNING ID NUMBER P00030

STORMWATER PERMIT WQ0000452000

STORMWATER EPA ID TX0004766

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD005942438

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30373

AIR NEW SOURCE PERMITS PERMIT 31936

AIR NEW SOURCE PERMITS REGISTRATION 47876

AIR NEW SOURCE PERMITS PERMIT 47273

AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0001R

AIR NEW SOURCE PERMITS PERMIT 1176

AIR NEW SOURCE PERMITS PERMIT 2244

AIR NEW SOURCE PERMITS PERMIT 2725

AIR NEW SOURCE PERMITS PERMIT 6841

AIR NEW SOURCE PERMITS REGISTRATION 10070

AIR NEW SOURCE PERMITS REGISTRATION 11911

AIR NEW SOURCE PERMITS REGISTRATION 11987

AIR NEW SOURCE PERMITS REGISTRATION 12181

AIR NEW SOURCE PERMITS REGISTRATION 12225

AIR NEW SOURCE PERMITS REGISTRATION 71903

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX459

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX619

AIR NEW SOURCE PERMITS REGISTRATION 88401

AIR NEW SOURCE PERMITS AFS NUM 4816700002

AIR NEW SOURCE PERMITS REGISTRATION 90000

AIR NEW SOURCE PERMITS REGISTRATION 89999

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX459M2

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX984

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX782

AIR NEW SOURCE PERMITS REGISTRATION 81500

AIR NEW SOURCE PERMITS REGISTRATION 83420

AIR NEW SOURCE PERMITS REGISTRATION 83658

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX782M1

AIR NEW SOURCE PERMITS REGISTRATION 84795

AIR NEW SOURCE PERMITS REGISTRATION 91449

AIR NEW SOURCE PERMITS REGISTRATION 89998

AIR NEW SOURCE PERMITS REGISTRATION 92266

AIR NEW SOURCE PERMITS REGISTRATION 93791

AIR NEW SOURCE PERMITS REGISTRATION 95240

AIR NEW SOURCE PERMITS REGISTRATION 95577

AIR NEW SOURCE PERMITS REGISTRATION 96232

AIR NEW SOURCE PERMITS REGISTRATION 101829

AIR NEW SOURCE PERMITS REGISTRATION 105776

AIR NEW SOURCE PERMITS REGISTRATION 114627

AIR NEW SOURCE PERMITS REGISTRATION 118365

AIR NEW SOURCE PERMITS REGISTRATION 109216

AIR OPERATING PERMITS ACCOUNT NUMBER GB0001R

AIR OPERATING PERMITS PERMIT 1513

WATER LICENSING LICENSE 0840213

WASTEWATER LICENSING LICENSE WQ0000452000

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30373

WASTEWATER PERMIT TXG670142

AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0001R

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: June 05, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 05, 2009 to June 05, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: David Carney

Phone: (512) 239-2583

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 09/16/2011 ADMINORDER 2011-0461-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116(a)(2)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: FOP O1513, General Terms and Conditions OP
 FOP O1513, Special Terms & Conditions 1A OP
 Description: Failed to conduct a performance test to determine the net heating value of the gas being combusted at the Paraxylene Unit 1 Flare (FL-201) by November 20, 2009.
 Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: FOP O1513, Special Terms & Conditions 1A OP
 Description: Failed to report a deviation. Specifically, the failure to determine the net heating value of the gas being combusted at FL-201 by November 20, 2009 was not reported in the semi-annual deviation report for the July 1 through December 31, 2009 reporting period
- 2 Effective Date: 06/08/2012 ADMINORDER 2011-1983-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: FOP O1513, General Terms and Conditions OP
 FOP O1513, Special Terms and Conds 14 OP
 NSR Permit 1176, Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 24, 2009	(804511)
Item 2	July 20, 2009	(804512)
Item 3	August 06, 2009	(749666)
Item 4	August 11, 2009	(749538)
Item 5	August 20, 2009	(804513)
Item 6	September 18, 2009	(804514)
Item 7	October 20, 2009	(804515)
Item 8	November 19, 2009	(804516)
Item 9	December 18, 2009	(804517)
Item 10	January 20, 2010	(804518)
Item 11	February 19, 2010	(804510)
Item 12	March 17, 2010	(830828)
Item 13	March 19, 2010	(780633)

Item 14	April 20, 2010	(830829)
Item 15	May 20, 2010	(830830)
Item 16	June 17, 2010	(846250)
Item 17	June 18, 2010	(794128)
Item 18	July 20, 2010	(860845)
Item 19	July 22, 2010	(863284)
Item 20	August 20, 2010	(866811)
Item 21	August 23, 2010	(794237)
Item 22	September 17, 2010	(873883)
Item 23	September 20, 2010	(876719)
Item 24	October 04, 2010	(890614)
Item 25	October 19, 2010	(881484)
Item 26	October 25, 2010	(884245)
Item 27	December 06, 2010	(857846)
Item 28	December 14, 2010	(896218)
Item 29	January 18, 2011	(902287)
Item 30	January 24, 2011	(904866)
Item 31	February 16, 2011	(909063)
Item 32	February 22, 2011	(911812)
Item 33	March 14, 2011	(916326)
Item 34	April 07, 2011	(932363)
Item 35	April 20, 2011	(924767)
Item 36	May 16, 2011	(938006)
Item 37	May 24, 2011	(940792)
Item 38	June 13, 2011	(933041)
Item 39	June 15, 2011	(938007)
Item 40	June 20, 2011	(948188)
Item 41	July 19, 2011	(955426)
Item 42	August 18, 2011	(948697)
Item 43	August 19, 2011	(959285)
Item 44	August 22, 2011	(962048)
Item 45	September 06, 2011	(945212)
Item 46	September 15, 2011	(965318)
Item 47	September 19, 2011	(968161)
Item 48	October 19, 2011	(971358)
Item 49	October 24, 2011	(974100)
Item 50	November 15, 2011	(977518)
Item 51	November 21, 2011	(980244)
Item 52	December 19, 2011	(984284)
Item 53	December 27, 2011	(987077)
Item 54	January 20, 2012	(990586)
Item 55	February 15, 2012	(1000821)
Item 56	February 16, 2012	(997947)
Item 57	April 19, 2012	(1010034)
Item 58	April 23, 2012	(1012866)
Item 59	May 17, 2012	(1016429)
Item 60	June 19, 2012	(1024149)
Item 61	June 21, 2012	(1014459)
Item 62	June 29, 2012	(1014454)
Item 63	July 10, 2012	(1015851)
Item 64	July 17, 2012	(1031545)
Item 65	July 23, 2012	(1034311)
Item 66	August 20, 2012	(1037921)
Item 67	August 22, 2012	(1040905)
Item 68	September 19, 2012	(1046651)
Item 69	September 24, 2012	(1045769)
Item 70	October 11, 2012	(1060812)
Item 71	October 17, 2012	(1076214)
Item 72	November 13, 2012	(1060813)
Item 73	November 16, 2012	(1076215)

Published Compliance History Report for CN600126775, RN102536307, Rating Year 2013 which includes Compliance History (CH) components from June 05, 2009, through June 05, 2014.

Item 74	December 17, 2012	(1060814)
Item 75	December 21, 2012	(1076216)
Item 76	January 15, 2013	(1078927)
Item 77	January 17, 2013	(1088312)
Item 78	February 18, 2013	(1078926)
Item 79	March 04, 2013	(1088311)
Item 80	March 20, 2013	(1089287)
Item 81	March 25, 2013	(1092145)
Item 82	April 10, 2013	(1095681)
Item 83	April 18, 2013	(1098585)
Item 84	May 17, 2013	(1106605)
Item 85	June 20, 2013	(1110282)
Item 86	June 25, 2013	(1113098)
Item 87	July 19, 2013	(1117166)
Item 88	August 19, 2013	(1124922)
Item 89	September 19, 2013	(1129522)
Item 90	October 08, 2013	(1121826)
Item 91	October 18, 2013	(1135252)
Item 92	November 13, 2013	(1140651)
Item 93	December 19, 2013	(1147110)
Item 94	January 15, 2014	(1153179)
Item 95	February 17, 2014	(1160514)
Item 96	March 19, 2014	(1167159)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 09/24/2013 (1113448) CN600126775
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
SC-1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.

- 2 Date: 05/14/2014 (1163612) CN600126775
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Flex Permit 1176 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.

- 3 Date: 05/15/2014 (1159700)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term & Condition 15 OP
Description: Failure to comply with the MX-2 flare annual limit for CO and NOx. (CATEGORY B14 VIOLATION)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 17F PERMIT
Special Term & Condition 15 OP
Special Term & Condition 1A OP
Description: Failure to include 1,014 new valves in the LDAR monitoring program. (CATEGORY C7 VIOLATION)

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b) Special Condition 17E PERMIT Special Term & Condition 15 OP Special Term & Condition 1A OP		
Description:	Failure to equip valves and lines with a plug or other sealing device. (CATEGORY C10 VIOLATION)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 6J PERMIT Special Term & Condition 15 OP		
Description:	Failure to route dock loading emissions to the scrubber. (CATEGORY B14 VIOLATION)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 9B(2) PERMIT Special Term & Condition 15 OP		
Description:	Failure to perform a cylinder gas audit on the H-2 Heater analyzer. (CATEGORY C1 VIOLATION)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5) 5C THSC Chapter 382 382.085(b) Special Condition 4B PERMIT Special Term & Condition 15 OP Special Term & Condition 1A OP		
Description:	Failure to operate the PX-2 flare with a continuously lit pilot light. (CATEGORY C1 VIOLATION)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 4A PERMIT Special Term & Condition 15 OP Special Term & Condition 1A OP		
Description:	Failure to operate chemical plant flares at or above the net heating value of 300 Btu/scf. (CATEGORY C4 VIOLATION)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.340(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
Description:	Failure to perform an annual flow meter calibration for the H-101 heater. (CATEGORY C1 VIOLATION)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
Description:	Failure to perform monthly method 21 monitoring to pumps in VOC service. (CATEGORY B1 VIOLATION)		

F. Environmental audits:

Notice of Intent Date: 05/16/2013 (1094142)
No DOV Associated

G. Type of environmental management systems (EMSs):

Published Compliance History Report for CN600126775, RN102536307, Rating Year 2013 which includes Compliance History (CH) components from June 05, 2009, through June 05, 2014.

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BP AMOCO CHEMICAL
COMPANY
RN102536307**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-0803-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BP Amoco Chemical Company ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 2800 Farm-to-Market Road 519 East in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 20, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Five Hundred Thirteen Dollars (\$14,513) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Eight Hundred Six

Dollars (\$5,806) of the administrative penalty and Two Thousand Nine Hundred Two Dollars (\$2,902) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Five Thousand Eight Hundred Five Dollars (\$5,805) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by August 31, 2013, the Respondent adjusted tank operations and implemented a program to track volatile organic compound ("VOC") emissions for Tank F-1115 to ensure compliance with the certified VOC emission rate.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the certified VOC emission rate for Tank F-1115, in violation of 30 TEX. ADMIN. CODE §§ 106.6(b) and 122.143(4), Permit by Rule Registration No. 93791, Federal Operating Permit No. O1513, General Terms and Conditions, Special Terms and Conditions No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 15, 2014. Specifically, for the 12-month periods ending in January 2013, February 2013, March 2013, April 2013, May 2013, June 2013, and July 2013, the Respondent exceeded the certified VOC emission rate of 5.71 tons per year based on a rolling 12-month period, resulting in the unauthorized release of 0.58 ton of VOC.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BP Amoco Chemical Company, Docket No. 2014-0803-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Eight Hundred Five Dollars (\$5,805) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

10/31/14

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

AUGUST 22 2014

Date

PETER J. NOWOBILSKI

Name (Printed or typed)
Authorized Representative of
BP Amoco Chemical Company

PLANT MANAGER

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2014-0803-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BP Amoco Chemical Company
Penalty Amount:	Eleven Thousand Six Hundred Eleven Dollars (\$11,611)
SEP Offset Amount:	Five Thousand Eight Hundred Five Dollars (\$5,805)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Anahuac Independent School District
Project Name:	<i>Clean School Bus Project</i>
Location of SEP:	Chambers County; Neches-Trinity Coastal Basin and Trinity River Basin

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Anahuac Independent School District** for the *Clean School Bus Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to purchase a lower-emission school bus that is model year 2010 or newer ("Replacement Bus") to replace a bus that is model year 1995 ("Older Bus"), thus removing the Older Bus from the roads. The Third-Party Administrator shall ensure that the Replacement Bus has an engine that meets 2010 EPA Standards. The Third-Party Administrator certifies that the Older Bus is currently in use, driven on a regular route on a weekly basis for at least the past two years. The Third-Party Administrator shall own and operate the Replacement Bus for at least five years following the date of purchase. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The SEP will benefit air quality by reducing harmful exhaust emissions from an older school bus. Older school bus engines emit larger amounts of nitrogen oxides and particulate matter, as well as other harmful pollutants such as volatile organic compounds and carbon monoxide than new buses. These pollutants contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children. The Project will reduce these emissions by replacing a model year 1995 school bus with a new, lower-emission bus.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Anahuac Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Anahuac Independent School District
Attention: Rosie Womack, Business Manager
P.O. Box 638
Anahuac, Texas 77514

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.